

REMARKS

Claims 1-4, 6-8 and 10 are pending. Claims 1, 4, 7 and 8 are independent and have been amended. Claims 5 and 9 have been cancelled without prejudice.

Initially, the Office Action again alleged that the specification must be amended to claim priority to the Japanese priority document in this application. This is simply incorrect.

In fact, the requirement for the claim to *foreign* priority under Section 119(b) was fully met *both* by the claim to priority to the Japanese priority document on the Declaration and the similar claim made on the Application Data Sheet (either would have been sufficient). In particular, the reference in the Application Data Sheet clearly identified, under the section "Prior Foreign Applications," the Japanese application number of the priority document, its country, its filing date, and the fact that priority is being claimed. 37 C.F.R. 1.76(b)(6) reads: "providing this information in the application data sheet *constitutes the claim for priority* as required by 35 U.S.C. 119(b) and 1.55(a)." (Emphasis supplied). Thus, the required claim to priority has been met by the Application Data Sheet standing alone.

The portion of the rules cited at pages 2-3 of the Office Action does not relate to claims for foreign priority under Section 119(b). The cited section relates to claims for **domestic** priority under *Section 119(e)*, i.e., to claim benefit of prior *U.S. provisional* applications, for which the requirements are different.¹

The rules do not require that the specification be amended to include the claim to **foreign** priority under **Section 119(b)**. This is only required for claims to

¹ Note that even for claims to domestic priority under Section 119(e) (which this is not), a reference in the Application Data Sheet is sufficient. That is, if a domestic (§119(e)) priority claim is made in the Application Data Sheet it need not be added to the specification.

benefit under Sections 120, 121, 365(c) and 119(e). It is respectfully requested that the Examiner discuss this issue with his supervisor before maintaining this requirement in a further Office Action.

With regard to the Information Disclosure Statement, the Examiner has crossed out the Japanese language references cited in the August 25, 2003 Statement. However, a translation of the relevant portion of the Japanese Office Action in which these references were originally cited was included with the Information Disclosure Statement. It is believed that the references should have been indicated as having been considered based upon the fact that the translation was supplied. It is requested that the SB/08 form be returned with the next Office Action with all the listed Japanese documents initialed.

Claims 1-10 were rejected under 35 U.S.C. 103 over U.S. Patent 5,310,997 (Roach et al.) in view of U.S. Patent 5,804,807 (Murrah et al.). Applicant submits that the amended independent claims are patentable over the cited references for at least the following reasons.

Independent claim 1 is directed to an in-store product information retrieval system having a portable user terminal, a wireless apparatus provided for each product displayed within a store and communicating with the portable user terminal, a store computer provided in the store and a network connecting the wireless apparatus with the store computer.

The system includes: a means for making a request for retrieval of product information from the portable user terminal when the portable user terminal approaches to within a prescribed distance of a wireless apparatus corresponding to a product for which retrieval of product information is desired; a means for sending from

the wireless apparatus to the store computer the request received from the portable user terminal by adding an identification number of the wireless apparatus; a database provided in the store computer and storing product information; a retrieval means, provided in the store computer, for performing retrieval of product information stored in the database based on the identification number of the wireless apparatus received from the wireless apparatus; a sending means, provided in the store computer, for sending retrieval results to the wireless apparatus with the identification number; and a receiving means, provided in the portable user terminal, for receiving retrieval results from the wireless apparatus.

Although the above limitations are believed clearly patentable over the cited references for the reasons presented in the previous response, to expedite prosecution, the independent claims have been amended to further recite that the wireless apparatus communicates with the portable user terminal by a first output power of the transmitter, when receiving the request for retrieval from the portable user terminal, and the wireless apparatus communicates with the portable user terminal by a second output power that is different from the first output power, when sending the retrieval results from the wireless apparatus to the portable user terminal.

In Roach, a membership card is scanned, and a UPC product code label is read by a pen scanner to input the product code information from the product. Murrah was cited to show that in the prior art that wireless technology is generally known, e.g., "to avoid extensive wiring," etc.

However, neither Roach nor Murrah teaches or suggests the feature that the wireless apparatus communicates with the portable user terminal by a first output power of the transmitter, when receiving the request for retrieval from the portable user terminal, and the wireless apparatus communicates with the portable user

terminal by a second output power that is different from the first output power, when sending the retrieval results from the wireless apparatus to the portable user terminal, as in amended independent claim 1.

For at least the above reasons, amended independent claim 1 is believed patentable over the cited references.

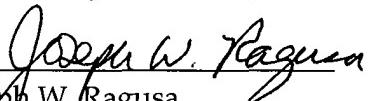
The other amended independent claims each recite a substantially similar feature and are believed to distinguish over the cited references for at least the same reasons.

The other claims are dependent upon one or another of the independent claims discussed above and are patentable at least for the same reasons.

This Amendment After Final Office Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In view of the above, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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